

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE C&R CONTRACTORS
OF MORGAN CITY, INC.

CIVIL ACTION

No. 16-14440

SECTION I

ORDER AND REASONS

Before the Court is a complaint¹ for exoneration or limitation of liability filed by C&R Contractors of Morgan City, Inc. (“C&R”).

Rule F of the Supplemental Rules provides:

The complaint shall be filed in any district in which the vessel has been attached or arrested to answer for any claim with respect to which the plaintiff seeks to limit liability; or, if the vessel has not been attached or arrested, then in any district in which the owner has been sued with respect to any such claim. When the vessel has not been attached or arrested to answer the matters aforesaid, and suit has not been commenced against the owner, the proceedings may be had in the district in which the vessel may be, but if the vessel is not within any district and no suit has been commenced in any district, then the complaint may be filed in any district.

Based on the Court’s review of the allegations of the complaint, the complaint does not plead facts establishing that the Eastern District of Louisiana is a proper venue for this action.

The Court also notes that even though the “posting of security must also include six percent yearly interest,” 2 Thomas J. Schoenbaum, Admiralty and

¹ R. Doc. No. 1.

Maritime Law § 15.5 (Westlaw 2015), C&R's security provides for only 5% annual interest.²

Accordingly,

IT IS ORDERED that by **NOON on September 13, 2016**, C&R shall either (1) file an amended verified complaint that includes facts establishing that venue is proper in the Eastern District of Louisiana, (2) file a memorandum arguing that the present factual allegations suffice to establish that venue is proper in the Eastern District of Louisiana, or (3) file a request pursuant to Supplemental Rule F to transfer this matter to another judicial district.

IT IS FURTHER ORDERED that by **NOON on September 13, 2016** C&R shall either (1) post proper security or (2) file a memorandum arguing that the original interest amount was proper.

New Orleans, Louisiana, September 7, 2016.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

² R. Doc. No. 1-5, at 1-2.